

provided with reference to crimes.”

Similarly, in earlier remarks, Mr. Sumners had stated:

It is important that the House of Representatives control the matter of the attendance of Members of the House upon the business of the House. It ought not to control, of course, when the Member commits a crime, and it has no power to control.⁽¹⁹⁾

19. *Id.* at p. 8954.

See also H. REPT. NO. 30, 45th Cong. 2d Sess., 1878 (House Committee on the Judiciary), and 3 Hinds’ Precedents §2673, as to whether there had been any invasion of the rights and privileges of the House in the alleged arrest and imprisonment of Representative Robert Smalls (S.C.). The report concluded:

“Upon principle, therefore, as well as in view of the precedents, your committee are clearly of the opinion that the arrest of Mr. Smalls, upon the charge (of having accepted a bribe while a state officer of South Carolina) and under the circumstances hereinbefore set forth, was in no sense an invasion of any of the rights or privileges of the House of Representatives; and that, so far as any supposed breach of privilege is concerned, his detention by the authorities of South Carolina for an alleged violation of the criminal law of that State was legal and justifiable; and having arrived at that conclusion they have deemed it not only unnecessary but improper for them to make any suggestion here as to what course the House should have pursued had the arrest been a violation of its privileges.”

§ 4. Violations of House Rules

As shown in the summary below, many of the rules of the House contain provisions under which a Member may be disciplined or penalized for certain acts or conduct:

HOUSE RULES

Rule I clause 2—Speaker shall preserve order and decorum.

Rule VIII clause 1—Disqualification from voting on floor on question where Member has a direct personal and pecuniary interest.

Rule XIV clause 1—Obtaining the floor, and method of address (“confine himself to the question under debate, avoiding personality”).

Rule XIV clause 4—Call to order of Member on his transgressing the rules during sessions.

Rule XIV clause 5—Words taken down if Member is called to order.

Rule XIV clause 7—Prohibition on exiting while Speaker is putting the question; prohibition on passing between a Member who has the floor, and the Chair, while the Member is speaking; prohibition against wearing a hat or smoking while on the floor.

Rule XIV clause 8—Prohibition against introducing persons in the galleries to the House or calling the attention of the House, during a session, to people in the galleries.

Requiring a Member to withdraw where he has persisted despite re-

See Ch. 7, *supra*, on arrest and immunity of Members.

peated calls to order (Jefferson's Manual, see *House Rules and Manual* § 366 [1973]).

No criticism of the Senate (Jefferson's Manual, see *House Rules and Manual* § 372 [1973]), nor personal abuse, innuendo or ridicule of the President (Jefferson's Manual, see *House Rules and Manual* § 370 [1973]).

Punishment by House of a Member for things of which the House has cognizance (Jefferson's Manual, see *House Rules and Manual* §§ 303 et seq. [1973]).

§ 5. Abuse of Mailing or Franking Privileges

The House Commission on Congressional Mailing Standards provides guidance and assistance on the use of franking privileges by Members. The commission is authorized to prescribe regulations governing the proper use of the franking privilege.⁽¹⁾

Complaints respecting alleged misuse of the franking provisions in title 39 of the United States Code⁽²⁾ are considered by the commission for the Members, and its

1. 2 USC §§ 501 et seq., Pub. L. No. 93-191, 87 Stat. 742 (1973), Pub. L. No. 93-255, 88 Stat. 52 (1974).

The Select Committee on Standards and Conduct of the Senate performs the same function for the Senate (2 USC § 502).

2. 39 USC §§ 3210-3213(2), 3215, 3218, 3219.

decisions on facts are final. If the commission finds that a serious and willful violation has occurred or is about to occur, it refers the matter to the House Committee on Standards of Official Conduct.⁽³⁾

§ 6. Absences From the House; Indebtedness

Congress has enacted statutes (a) directing the Sergeant at Arms of the House to deduct from the monthly payment to a Member the amount of his salary for each day that he has been absent from the House unless such Member assigns as the reason for such absence the illness of himself or of some member of his family;⁽⁴⁾ (b) directing the deduction from the salary of a Member for each day that he withdraws without leave from his seat;⁽⁵⁾ (c) directing the deduction by the Sergeant at Arms from any salary or expense money due a Member for his delinquent indebtedness to the House.⁽⁶⁾

If an employee of the House becomes indebted to the House or to the trust fund account in the of-

3. 2 USC § 501(e).

4. 2 USC § 39 (1856).

5. 2 USC § 40 (1862).

6. 2 USC § 40a (1934).